

**FILED**

**JAN 24 2011**

**BOARD OF PHARMACY**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE APPLICATION FOR	:	
THE REGISTRATION OF	:	Administrative Action
	:	
<b>STEPHEN FENSCH</b>	:	<b>FINAL ORDER</b>
	:	<b>OF DENIAL OF</b>
TO PRACTICE AS A PHARMACY	:	<b>REGISTRATION</b>
TECHNICIAN IN THE STATE OF NEW JERSEY :	:	
	:	

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of an application for registration as a pharmacy technician by Respondent Stephen Fensch ("Respondent"). The application has been reviewed by the Board and the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Respondent, Stephen Fensch ("Respondent") submitted an application for registration as a pharmacy technician in the State of New Jersey, filed on May 15, 2009. On that application, respondent answered "yes" to question 9: "Have you ever been convicted of any crime or offense under any circumstances?"

2. On January 3, 2008, Respondent was arrested by the Cherry Hill Township Police Department and charged with violating N.J.S.A. 2C:14-4A, Lewdness.

3. On April 8, 2009, Respondent was convicted in Camden County Superior Court on two (2) counts of Abuse of child-cruelty-neglect, in violation of N.J.S.A. 9:6-3, a fourth degree felony. These final charges were the result of a plea agreement between Respondent and the

prosecutor, and were amended from the original charges which included two (2) counts of Endangering the welfare of a child, a third degree felony.

4. Respondent was sentenced to ten (10) years of probation, consisting of two five year terms of probation, one for each count, to run consecutively. In addition, Respondent was ordered to pay penalties totaling \$155.00, and his probation was subject to the following conditions: (a) Respondent shall provide a DNA sample; (b) Respondent shall submit to random urine monitoring; (c) Respondent shall maintain full-time employment; (d) Respondent shall have no contact with victims; and (e) Respondent shall continue counseling with Dr. Samaouo.

5. On April 9, 2009, Respondent was also convicted in the Municipal Court of Cherry Hill to one count of Lewdness in violation of N.J.S.A. 2C:14-4A. He was sentenced to six (6) months of probation to be served concurrent with the probation ordered by the Camden County Superior Court.

#### **CONCLUSIONS OF LAW**

Respondent's convictions of crimes or offenses involving moral turpitude provide grounds to refuse to issue Respondent's registration as a pharmacy technician in New Jersey pursuant to N.J.S.A. 45:1-21(f).

#### **DISCUSSION**

Based on the foregoing findings and conclusions, a Provisional Order of Discipline denying Respondent's application for registration as a pharmacy technician in the State of New Jersey was entered on July 28, 2010 and a copy was forwarded to Respondent at the last known address on file with the Board by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry unless Respondent requested

a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

According to the United States Postal Service website tracking for certified mail with return receipt #7009-0080-0000-5605-9799, the mail was delivered and signed for at the address Respondent provided on his application on August 6, 2010, therefore, the Board deems service to have been effected. No response has been received to date. Respondent may not evade process by failing to respond to the Board. Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 24<sup>th</sup> day of January, 2011

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby denied. Respondent may not reapply for registration as a pharmacy technician until five years from entry of this Final Order of Discipline in this matter, or the completion of his criminal probation, whichever is later.

2. Any practice in this State in violation of the above conditions shall constitute grounds for discipline for unlicensed practice.

3. Prior to any future application for registration as a pharmacy technician, Respondent shall:

- a. Provide, to the Board's satisfaction, evidence that he is capable of discharging the functions of a registrant in a manner consistent with the public's health, safety and welfare;

b. Provide the Board with complete treatment records of all diagnostic and rehabilitative therapy, discharge summaries from any in-patient programs, as well as reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who has participated in Respondent's care and/or treatment during the period of time from the date of the incidents giving rise to the within Order to his appearance before the Board pursuant to this Order.

c. Provide the Board with a full account of his conduct during the intervening period of time from the entry of this Order to his appearance pursuant to this Order.

d. Provide the Board with proof of compliance with any terms imposed by the criminal authorities, including but not limited to the terms of Respondent's probation, set forth above.

e. Appear before the Board or a committee thereof, if so requested, to discuss his readiness to enter practice as a pharmacy technician. At that time Respondent shall be prepared to propose his plans for future practice in New Jersey.

f. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

4. If Respondent's registration to practice as a pharmacy technician is issued at a future time, the Board, in its discretion, may impose any conditions or restrictions on registration it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley  
Edward G. McGinley, R.Ph.  
President